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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 VERNON W. McNEAL,
12 Plaintiff,

No. 2:05-cv-0477-MCE-DAD-P

13 v.

ORDER

14 MS. COBBS, et al.,
15 Defendants.
16 _____/

17 Plaintiff, a state prisoner proceeding pro se, has filed
18 this civil rights action seeking relief under 42 U.S.C. § 1983.
19 The matter was referred to a United States Magistrate Judge
20 pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No.
21 262.

22 On March 30, 2006, the magistrate judge filed Findings and
23 Recommendations herein which were served on Plaintiff and which
24 contained notice to Plaintiff that any Objections to the Findings
25 and Recommendations were to be filed within twenty (20) days.

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1 Plaintiff has filed Objections to the Findings and
2 Recommendations.

3 In accordance with the provisions of 28 U.S.C.
4 § 636(b)(1)(C) and Local Rule 72-304, this Court has conducted a
5 de novo review of this case. Having carefully reviewed the
6 entire file, the Court finds the Findings and Recommendations to
7 be supported by the record and by proper analysis.

8 Accordingly, IT IS HEREBY ORDERED that:

9 1. The Findings and Recommendations filed March 30, 2006,
10 are adopted in full;

11 2. Plaintiff's March 10, 2005 Application to Proceed in
12 Forma Pauperis is denied;

13 3. Plaintiff's claims against Defendant Runnels are
14 dismissed with prejudice as frivolous;

15 4. Plaintiff's claims against Defendant Cobbs are dismissed
16 without prejudice for failure to exhaust administrative remedies
17 prior to bringing this action; and

18 5. This action is dismissed.

19 DATED: June 1, 2006

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22 MORRISON C. ENGLAND, JR.
23 UNITED STATES DISTRICT JUDGE
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